

## Message Text

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PAGE 01 MEXICO 05116 191558Z

44

ACTION EB-11

INFO OCT-01 ARA-16 IO-14 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 OMB-01 TAR-02 SP-03 SWF-02 AGR-20 AID-20

CIAE-00 COME-00 INR-10 LAB-06 NSAE-00 OIC-04 RSC-01

SIL-01 STR-08 CIEP-02 CEA-02 AF-10 EA-11 EUR-25

NEA-14 SS-20 NSC-07 L-03 PA-04 PRS-01 INT-08 FEAE-00

DRC-01 /228 W

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O R 191525Z JUN 74

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 2253

DEPT OF TREASURY PRIORITY

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

LIMITED OFFICIAL USE MEXICO 5116

E.O. 11652: N/A

TAGS: EGEN, UNCTAD

SUBJECT: UNCTAD CHARTER OF ECONOMIC RIGHTS AND DUTIES

REF: MEXICO 5051

1. IN PURSUANCE OF OUR APPROACH TO THE POSSIBILITY OF A SINGLE PARA EMBRACING FOREIGN INVESTMENT, NATIONALIZATION AND MNC'S, WE PLAN TO CIRCULATE FOLLOWING TEXT A.M. JUNE 19 TO GROUP B ONLY, AS TEXT WHICH DOES NOT CARRY WASHINGTON'S CLEARANCE BUT WHICH WE HOPE WOULD SECURE IT. WE DO NOT BELIEVE THAT GROUP OF 77 CAN ACCEPT ITS SUBSTANCE. BUT WE THINK THAT IT MAY MAKE TACTICAL SENSE TO ADVANCE IT IN RENEWED CASTANEDA NEGOTIATIONS AS SIGN OF FLEXIBILITY AND CREATIVENESS ON OUR PART. REQUEST INSTRUCTIONS SOONEST.

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PAGE 02 MEXICO 05116 191558Z

2. BEGIN TEXT:

EVERY STATE HAS PERMANENT SOVEREIGNTY OVER ITS NATURAL WEALTH AND RESOURCES AND ACCORDINGLY HAS THE INALIENABLE RIGHT, SUBJECT TO ITS PERFORMANCE OF ITS INTERNATIONAL OBLIGATIONS, FULLY AND FREELY TO DISPOSE OF THOSE RESOURCES BY:

(A) ENACTING LEGISLATION AND PRMULGATING RULES AND REGULATIONS, CONSISTENT WITH ITS DEVELOPMENT OBJECTIVES, TO GOVERN THE ENTRY AND ACTIVITIES WITHIN ITS TERRITORIES OF FOREIGN INVESTORS;

(B) ENTERING INTO INVESTMENT AGREEMENTS RELATING TO THE IMPORT OF FOREIGN CAPITAL, WHICH AGREEMENTS SHALL BE OBSERVED IN GOOD FAITH;

(C) REGULATING AND SUPERVISING, IN AN EQUITABLE AND NON-DISCRIMINATORY MANNER, THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS AND OTHER FOREIGN INVESTORS OPERATING WITHIN ITS TERRITORIES;

(D) NATIONALIZING, EXPROPRIATING OR REQUISITIONING, WITHOUT DISCRIMINATION AND FOR A PUBLIC PURPOSE CONSISTENT WITH ITS DEVELOPMENT OBJECTIVES, PROPERTY IN WHICH FOREIGN INVESTORS HAVE AN OWNERSHIP INTEREST, PROVIDED THAT JUST COMPENSATION IS PAID TO SUCH INVESTORS;

(E) REQUIRING THAT ITS DOMESTIC JURISDICTION BE EXHAUSTED IN ANY CASE WHERE THE TREATMENT OF FOREIGN INVESTMENR OR COMPENSATION THEREFOR IS IN CONTROVERSY;

(F) SETTLING DISPUTES, WHERE SO AGREED BY STATES AND OTHER PARTIES CONCERNED, THROUGH ARBITRATION OR INTERNATIONAL ADJUDICATION.  
END TEXT. JOVA

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NATIONALIZATION, AGREEMENT DRAFT, COMMITTEE MEETINGS, FOREIGN INVESTMENT CONTROLS, FOREIGN POLICY POSITION, FOREIGN INVESTMENTS, BUSINESS FIRMS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 JUN 1974  
**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** BoyleJA  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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30 JUN 2005

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**Status:** NATIVE  
**Subject:** UNCTAD CHARTER OF ECONOMIC RIGHTS AND DUTIES  
**TAGS:** EGEN, UNCTAD  
**To:** STATE TRSY  
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